

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

CHURCH BROTHERS, LLC, a California )  
Limited Liability Company, )  
  )  
  Plaintiff, )  
  ) CASE NO.  
                                       )  
v. )  
  )  
THE ALPHAS COMPANY, INC., a )  
corporation; THE ALPHAS COMPANY )  
OF NEW YORK, INC, a corporation; )  
JOHN (YANNI) S. ALPHAS, an )  
individual; PETER S. ALPHAS, an )  
individual, )  
  )  
  Defendants )  
  )

**DECLARATION OF BART M. BOTTA IN SUPPORT OF  
APPLICATION FOR ADMISSION PRO HAC VICE**

I, Bart M. Botta, declare as follows:

1. I am a partner with the law firm of Rynn & Janowsky, LLP, one of the attorneys for Applicant herein, CHURCH BROTHERS, LLC. I make this declaration in support of my application to appear before this court pro hac vice.
2. I have personal knowledge of all matters stated in this declaration and if called as a witness would and could competently testify thereto.
3. My business address is 4100 Newport Place Drive, Suite 700, Newport Beach, California 92660. Telephone: (949) 752-2911; Fax: (949) 752-0953.
4. I am currently admitted before the following courts:

- A. All state courts within the State of California, admitted December 1993;
  - B. United States Court of Appeal, 9<sup>th</sup> Circuit, admitted 1996;
  - C. United States Court of Appeal, 7<sup>th</sup> Circuit, admitted 2002;
  - D. United States Court of Appeal, 3<sup>rd</sup> Circuit, admitted 2000;
  - E. United States Court of Appeal, 2<sup>nd</sup> Circuit, admitted 2003;
  - F. United States District Court for the Central District of California, admitted 1994;
  - G. United States District Court for the Northern District of California, admitted 1998.
- II. United States District Court for the Eastern District of California, admitted 1994
- I. United States District Court for the Southern District of California, admitted 1998.

5. I am a member in good standing in the California State Bar and the United States District Court for the Central, Northern, Southern and Eastern Districts of California.

6. I am not currently suspended or disbarred in any court.

7. I have not previously applied to appear as counsel pro hac vice in the State of Massachusetts.

8. I have represented Church Bros., LLC in other legal matters under the Perishable Agricultural Commodities Act, ("PACA") [7 U.S.C. §499e *et seq.*] and have

been involved in the communications between the parties herein in connection with the dispute which is the subject of this action.

9. For the foregoing reasons, I believe that my participation in this action is necessary to Church Bros., LLC to enforce its PACA trust rights against Defendants herein.

10. I am familiar with the Local Rules of the U.S. District Court for the District of Massachusetts. My application for leave to practice before this Court is on Motion of Valerie Carter, a member of the Bar of this Court.

I declare under penalty of perjury pursuant to the laws of the United States of America and the States of California and Massachusetts that the foregoing is true and correct.

Executed this 10<sup>th</sup> day of March, 2005 at Newport Beach, California.



---

BART M. BOTTA  
California State Bar No. 117561  
Rynn & Janowsky, LLP  
4100 Newport Place Drive, Suite 700  
Newport Beach, CA 92660  
(949) 752-2911  
Attorneys for Plaintiff, CHURCH BROS., LLC

**ORDER**

Having read and considered the above application for admission pro hac vice and good cause appearing therefor,

IT IS HEREBY ORDERED that said application for admission pro hac vice be and hereby is granted.

**SO ORDERED.**

DATED: March \_\_\_\_, 2005

---

U.S. DISTRICT COURT JUDGE